

## Working Group to Create a State Plan for Alzheimer's Disease and Related Disorders

### Legal Sub-Group

#### *First Meeting*

October 11, 2012

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**Attendees:** Parish Lentz (Davis & Lentz LLC), Joseph Proietta (Attorney at Law), Glenn Friedemann (Lifespan, Associate General Counsel), Stacy Paterno (Lifespan), Kathy Heren (Alliance for Better Long Term Care), Tom Enright (chair, Partridge Snow & Hahn LLP), Lindsay McAllister (Office of the Lieutenant Governor).

1. Tom Enright was introduced as the chair of the sub-group. He asked the group to go around the table and introduce themselves.
2. **Guardianship** quickly emerged as an issue many of the sub-group members were interested in tackling as part of the work of the committee. While some felt that guardianship was too quickly depended upon and must be used as a last resort, others represented the perspective of hospitals that often care for deserted patients and lack authority to discharge them to a more appropriate care setting. This conversation was extensive and these two viewpoints do not represent the range of points that were made. This is clearly a matter that the sub-group will dedicate multiple meetings to in the near future.
3. The group then turned to the jurisdiction document, which outlines the topics being charged to this sub-group.
4. Privacy rights vs. community supports & Public safety and law enforcement coordination:
  - a. The group felt this raised the question of proper protocol to deal with wandering. The group agreed that it should address the most pressing problems, best practices, and make an effort to recommend protocol in this area.
    - i. **The challenge is to maintain independence as long as possible – as long as the person is not endangering him or herself and those in the community.**
  - b. This raised the question of how we might best protect the finances of those still living at home, but who require assistance in managing their money and paying bills, etc.
    - i. **What sort of financial management assistance supports exist already and what is needed?**
5. Conversations about “taking the keys away”:
  - a. The group discussed the role of a designated person at the Registry of Motor Vehicles who will help with these conversations. A concerned person may send a signed letter to the RMV to have a letter sent to the person having problems driving safely to require that they come in for a test. The RMV Tribunal also still works for age 68+ license revocation.
    - i. **The public may not be aware of this resource and additional details are needed.**
  - b. Each city also has a senior police advocate designee. This office can serve as a resource to communities where there's a concern about wellness, driving ability, etc.

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- i. **The sub-committee would like more information on these advocates and the role they can play.**
    - ii. **The sub-committee discussed inviting Officer Tom Aguiar (East Providence) and/or Officer Stephen Lombardi (Warwick) to join the sub-group or come join a meeting or two.**
  - c. Vision concerns invoke a mandatory reporting requirement on the part of police officers, however concerns about cognitive impairment or awareness, with respect to driving, do not impose any such duty.
  - d. This was concerning to the sub-group, but it was noted that any authority of this nature must strike a balance. There were concerns that police authority not be expanded.
    - i. **More information about this requirement is needed: what are the relative statutes? How might they be changed to better serve the community?**
    - ii. *\*NYT article on taking the keys away – Lindsay will find and send out to the members.*
6. Elder Abuse/Neglect & Financial Protection:
- a. The sub-group discussed their concerns that many programs aimed at protecting seniors have been depleted over the years. The protective services staff at DEA has declined and members were unsure what sort of resources were available to prosecute financial abuse crimes through the Attorney General's office. Some members were concerned about the recent decline in prosecution.
    - i. **The sub-group was aware of trainings that have historically been done through DEA to help people know what signs are indicative of abuse; what to look for and what to do. More information is requested about the venue, frequency and availability of these trainings.**
    - ii. **Public awareness of this and other resources is needed.**
    - iii. **The members would like to invite the Lt. Governor and the Attorney General to join a discussion of these issues in the near future.**
    - iv. **Lindsay will reach out to the AG's office to invite the person charged with elder abuse cases.**
    - v. **The Sub-group also discussed the possibility of inviting someone who could represent the viewpoints of the probate court. Joe Proietta had a few suggestions and offered to reach out to them with an invitation.**
7. Legal Tools: public guardianship, power of attorney and advance directives:
- a. The issue of public guardianship again became a topic of much discussion. There had been a recent proposal in support of a public guardianship program, however, it was not implemented.
  - b. The sub-group agreed that any guardianship program in the future would need to accommodate the need for temporary guardianship. There was interest in learning more about the best programs across the country.

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- i. **Lindsay will bring examples of best practices in public guardianship back to this group for consideration. Lindsay will also share the pertinent RI guardianship statutes with the sub-group for review.**
8. The Chair asked the group to consider whether there were additional items that belonged within the jurisdiction of the Legal sub-group.
  - a. **End of Life Decisions Programming:** The group suggested the need for training opportunities around end of life decisions. It seems there is a need for programming around how to conduct these conversations within the family unit, but also between a care provider and families members who may disagree with the patient's end of life decisions.
  - b. **Anti-Bullying programs:** It was suggested that an anti-bullying program, perhaps like the anti-bullying campaign focused on youth out of the AG's office, would be beneficial. The group agreed this would be a great addition.
9. The meeting was adjourned.